WEST TISBURY CONSERVATION COMMISSION

MINUTES OF MEETING

June 14, 2011

Present: Prudy Burt Chair, Joanie Ames, Whit Griswold, Binnie Ravitch, Peter Rodegast, Tara Whiting and Maria McFarland

Absent: Nora Nevin

Also present for all or part of the meeting: Virginia Jones, Steve Maxner, William Waterway, Joan Merry, Terry Kriedman, Matthew Dix and George Sourati

The minutes of the May 24th meeting were approved with corrections. Whit and Peter abstained.

Map 1 8 Lot 1/Greenlands/Dirt Bikes: Informal discussion with William Waterway and Steve Maxner. William gave the members a detailed summary of his involvement with the acquisition of Greenlands by the Town in 1982. William provided the Commission with copies of various documents from his files on this project.

Steve told the board that a group has been formed called the "Friends of Greenlands". This group is willing to pay for signs to be posted in Greenlands stating that dirt bikes are not allowed. Steve gave the Commission a copy of the trail map with the proposed sign locations shown.

Time for this discussion was short so Steve was asked to submit a written proposal from the Friends of Greenlands and then a more formal discussion will be scheduled with adequate time allotted for the discussion.

Map 6 Lot 7.2: a public meeting to consider a Request for Determination of Applicability filed by Vineyard Land Surveying & Engineering on behalf of Harrowby Property Company, Ltd. for property located at 245 John Cottle Road. The project consists of a temporary repair to an existing asphalt road (and parking area) within the Buffer Zone to a Coastal Bank by removing the eroding asphalt and replacing it with gravel and pea stone. At the request of the applicant's representative this application has been withdrawn.

Map 36 Lot 1 /SE79-311: continuation of a public hearing to consider a Notice of Intent filed by the Martha's Vineyard Land Bank for property located at 216 Clam Point Road known as Sepiessa Point Reservation. The proposed project includes opening feet of trail, constructing two boardwalks in areas prone to erosion, and work to remove three stands of invasive exotic along Tiah's Cove and the Tisbury Great Pond shoreline. The work will take place within a salt marsh, on a coastal bank and land subject to coastal storm flowage as well as the buffer zone.

Matthew Dix of the Land Bank presented the project. Matthew said that after the site visit with the Commission held on June 9th he decided to revise his plan for the canoe slide and to eliminate spraying the two stands in Tiah's' Cove. Otherwise the project description is the same.

Canoe slide: Matthew removed his request to boardwalk this area. Instead, he would like to put a 6 foot by 10 inch locust water bar at the water's edge (high pond) in an effort to stop erosion into the pond at this site.

Further up the cove Matthew would like to formalize the trail people have been using. A bench will be placed for people to sit. Symbolic fencing and signs will be placed to keep dogs out of the pond and to inform people that there is no water access. Sweet pepperbush will also be planted.

A boardwalk will be located near Clam Point Road where the existing trail runs through an area of Land Subject to Coastal Storm Flowage.

The Phragmites project will be focused on the point where the densest stand is located. The two stands in Tiah's Cove will be hand cut monthly throughout the summer to stop them spreading outside the property and to get rid of the seed heads. They will not be sprayed. Hand cutting will be done in these areas until it is determined whether the herbicide treatment is successful or not.

The proposal is to hand cut the Phragmites as low as possible when the pond is open sometime during the summer. By September, the plants will have grown approximately 2 feet and will be sprayed using a wetland approved version of Rodeo with a surfactant and drift control agent at a rate of 2-10% or the equivalent of 10 gallons of Rodeo. The spraying will be done using the backpack system. Maria read the project description submitted with the Notice of Intent. Matthew has a proposal from Chris Polatin that he will submit before the next meeting. Matthew will find out what type of surfactant is going to be used.

There was a general discussion about various studies that have been done on Rodeo products. Matthew said that the Land Bank Commission is not comfortable doing this type of project but that by not doing something aggressive it is like doing nothing.

It was noted that the glove method would not be used out at the Point because it is a solid stand of Phragmites. If they come back for permission to spray the two stands that are in Tiah's Cove the glove method would be used to protect other plant species that are interspersed with the .

Maria read some information on the use of Rodeo in wetlands that she received from the MACC forum into the record. (The information was provided by Brandon Faneuf of Ecosystem Solutions, Inc.)

Prudy said she talked to Chuck Hodgkinson about the project at Doctor's Creek in Chilmark. They had some problems with the way Polatin Ecological Services handled the cut Phragmites, leaving it strewn about the site. Matthew said he was aware of that situation and that the Land Bank crew would be doing the cutting and clean up.

Peter asked if soil testing or monitoring of fish stock could be done to see if there is any negative effects. Matthew said that the first evidence of a negative effect would be if no other type of vegetation grows back.

Whit asked what would happen in 10 years if the Phragmites is not treated. Matthew responded that it would continue to grow. Just mowing means continued presence of the Phragmites and more disruption by constant mowing. Chilmark Pond is an example of what will happen if left untreated.

Prudy asked about pictures of other recently completed projects to see the results over time. Matthew did not have any.

Prudy expressed concern about the impact on bees of spraying in September. Matthew said that there is not a lot of goldenrod or other plants interspersed with the Phragmites unlike up the cove where there are different plants interspersed among the Phragmites.

Whit asked about just cutting it twice a year. Matthew responded that it would stop the spread but it would not eliminate the plants. It can not be successfully taken up by the roots.

Public Comment:

Ginny Jones recommended research on types of products that can be used. Different types of surfactants can make the product more or less lethal or toxic to aquatic life. Ginny also asked about the effectiveness of doing the spraying on a hot day. Matthew did not know if it made a difference. Ginny also reminded everyone that there is a very viable fishery in the Great Pond although she and Matthew both said Rick Karney is not concerned.

Prudy read a letter submitted by Ginny into the record regarding the research being done on the impacts of Rodeo and asked that spraying be strictly monitored.

There being no further discussion Prudy closed the public hearing.

A motion was made and seconded that the project be approved as revised and presented subject to the receipt prior to the June 28th meeting of a detailed project schedule from Polatin Ecological Services which includes an estimate of the amount of Rodeo to be used in each of the three years of the project; the type of surfactant to be used, a detailed time line and approval of special conditions.

There being no further discussion the vote on the motion was Binnie, Peter, Tara and Whit in favor. Prudy opposed. The project is approved.

Matthew asked if he could start the cutting if the pond is opened prior to the issuance of the Order. He was cautioned not to, as there is always the possibility of an appeal.

Map 11 Lot 36/SE 79-306: continuation of the public hearing on a Notice of Intent to construct a driveway over a vegetated wetland in order to access a residential building site. George Sourati submitted a revised Notice of Intent and project plan that incorporates most of the recommendations of the LEC Environmental Consultants set forth in their report dated May 16, 2011.

George said that he has one issue with the consultant's report that he has not resolved. He is not sure if he agrees that this is an area that has Bordering Land Subject to Flooding. If it is, then he still has substantial work to do on the project plan. He asked for and was granted permission to speak directly with Mark Manganello of LEC. George said he was also going to consultant with another engineer.

Discussion:

Prudy asked about the need to have the total alteration be 16ft wide. The sides will be planted and the finished driveway will be 10 ft. wide with 3 feet on each side. On one side is the existing path that will be vegetated. George said he did not count the existing path in terms of the amount of alteration.

Whit asked for information about the size of the watershed that contributes to this wetland. George said that may not be an easy question to answer.

Public comment:

Terry Kriedman asked if the water does not flow out of the pond year round why is there almost always water flowing into her pond. It is most likely groundwater. Prudy suggested that Terry Kriedman could call Don Liptack of the NRCS in Barnstable for further help with the runoff issues on her property.

Joanie Merry said she has no objection.

A motion was made and seconded to grant a continuance of this public hearing on this matter to June 28, 2011 at 5:10.PM. All in favor.

Prudy asked George if he knows who is doing construction work at the house. They have no permission to do any work on the property that is within Con. Comm. jurisdiction they need. George will talk to the parties involved. Only work inside the house is allowed without a permit from the Commission.

Old Business

Map 1 Lot 50/SE79-270/Sundin Monitoring reports: Maria reported that she talked with Leslie Fields of the Woods Hole Group. The Sundins rent their house out in the summer and the Makonikey Beach Trust does not allow work to be done in the summer. Leslie said that beach nourishment will be done in the fall. She will call Reid Silva to see if they can work out a plan to do the required beach nourishment on both the Sundin and the Berlin properties at the same time, using the same access and possibility saving some money.

Administrative:

Certificates of Compliance were approved for the following projects:

- Map 1 Lot 48.2/SE79-62: (Reissue a lost Certificate of Compliance originally issued in 1990 but never recorded)
- Map 7 Lot 142/SE79-2: (It was noted that the new owner of the property plans to remove the tennis court which was the subject of this permit.)

MACC /letter of support/legislation to increase fines for violations. Members voted to send a letter of support.

Map 1 Lot 50/SE79-270/Request for Extension Permit: not necessary until the automatic permit extension program approved by the State for all municipal permits issues since 2008. . **Map 35 Lot 3.4/** Shellfish project/2nd year: This project has a three year RDA.

There being no other business on the agenda, the meeting was adjourned at 7:11 PM.

Respectfully submitted,

Maria McFarland Board Administrator APPROVED